

AMENDED IN SENATE MAY 4, 2006  
AMENDED IN SENATE JANUARY 12, 2006  
AMENDED IN SENATE JANUARY 9, 2006

## Senate Constitutional Amendment

**No. 7**

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**Introduced by Senator Torlakson**

February 15, 2005

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Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX B thereof, relating to transportation.

### LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as amended, Torlakson. Transportation Investment Fund.

Article XIX B of the California Constitution requires, commencing with the 2003–04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund (TIF) for allocation for various transportation purposes. Article XIX B authorizes this transfer to the ~~Transportation Investment Fund~~ TIF to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision.

This measure would ~~make a nonsubstantive change to these provisions.~~ *recast these suspension provisions. This measure would authorize a suspension, in whole or in part, of the transfer of these revenues to the TIF for a fiscal year if (1) the Governor issues a proclamation that the suspension is necessary due to a severe state*

*fiscal hardship, (2) a statute containing no other unrelated provision is enacted by a 2/3 vote of each house of the Legislature suspending the transfer, and (3) a statute is enacted to repay, with interest, the TIF within 3 years for the amount of any revenues that were not transferred as a result of the suspension. This measure would also prohibit a suspension of transfer of these revenues from occurring more than twice during any period of 10 consecutive fiscal years, and would prohibit a suspension in any fiscal year in which a required repayment from a prior suspension has not been fully completed.*

*This measure would also require payments to be made from the General Fund to the Transportation Investment Fund relative to a portion of the revenues that were not transferred due to a suspension of transfer occurring on or before July 1, 2007, with payments made pursuant to a specified schedule.*

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

1     *Resolved by the Senate, the Assembly concurring, That the*  
2     *Legislature of the State of California at its 2005–06 Regular*  
3     *Session commencing on the sixth day of December 2004,*  
4     *two-thirds of the membership of each house concurring, hereby*  
5     *proposes to the people of the State of California, that the*  
6     *Constitution of the State be amended as follows:*

7     ~~That Section 1 of Article XIX B thereof is amended to read:~~  
8     ~~SECTION 1. (a) For the 2003–04 fiscal year and each fiscal~~  
9     ~~year thereafter, all moneys that are collected during the fiscal~~  
10    ~~year from taxes under the Sales and Use Tax Law (Part 1~~  
11    ~~(commencing with Section 6001) of Division 2 of the Revenue~~  
12    ~~and Taxation Code), or any successor to that law, upon the sale,~~  
13    ~~storage, use, or other consumption in this State of motor vehicle~~  
14    ~~fuel, and that are deposited in the General Fund of the State~~  
15    ~~pursuant to that law, shall be transferred to the Transportation~~  
16    ~~Investment Fund, which is hereby created in the State Treasury.~~

17    ~~(b) (1) For the 2003–04 to 2007–08 fiscal years, inclusive,~~  
18    ~~moneys in the Transportation Investment Fund shall be allocated,~~  
19    ~~upon appropriation by the Legislature, in accordance with~~  
20    ~~Section 7104 of the Revenue and Taxation Code as that section~~  
21    ~~read on March 6, 2002.~~

1     ~~(2) For the 2008–09 fiscal year and each fiscal year thereafter,~~  
2     ~~moneys in the Transportation Investment Fund shall be allocated~~  
3     ~~solely for the following purposes:~~

4     ~~(A) Public transit and mass transportation.~~

5     ~~(B) Transportation capital improvement projects, subject to the~~  
6     ~~laws governing the State Transportation Improvement Program,~~  
7     ~~or any successor to that program.~~

8     ~~(C) Street and highway maintenance, rehabilitation,~~  
9     ~~reconstruction, or storm damage repair conducted by cities,~~  
10    ~~including a city and county.~~

11    ~~(D) Street and highway maintenance, rehabilitation,~~  
12    ~~reconstruction, or storm damage repair conducted by counties,~~  
13    ~~including a city and county.~~

14    ~~(e) For the 2008–09 fiscal year and each fiscal year thereafter,~~  
15    ~~moneys in the Transportation Investment Fund shall be allocated,~~  
16    ~~upon appropriation by the Legislature, as follows:~~

17    ~~(A) Twenty percent of the moneys for the purposes set forth in~~  
18    ~~subparagraph (A) of paragraph (2) of subdivision (b).~~

19    ~~(B) Forty percent of the moneys for the purposes set forth in~~  
20    ~~subparagraph (B) of paragraph (2) of subdivision (b).~~

21    ~~(C) Twenty percent of the moneys for the purposes set forth in~~  
22    ~~subparagraph (C) of paragraph (2) of subdivision (b).~~

23    ~~(D) Twenty percent of the moneys for the purpose set forth in~~  
24    ~~subparagraph (D) of paragraph (2) of subdivision (b).~~

25    ~~(d) The transfer of revenues from the General Fund of the~~  
26    ~~State to the Transportation Investment Fund pursuant to~~  
27    ~~subdivision (a) may be suspended, in whole or in part, for a fiscal~~  
28    ~~year if both of the following conditions are met:~~

29    ~~(1) The Governor has issued a proclamation that declares that~~  
30    ~~the transfer of revenues pursuant to subdivision (a) will result in~~  
31    ~~a significant negative fiscal impact on the range of functions of~~  
32    ~~government funded by the General Fund of the State.~~

33    ~~(2) The Legislature enacts by statute, pursuant to a bill passed~~  
34    ~~in each house of the Legislature by rolleall vote entered in the~~  
35    ~~journal, two-thirds of the membership concurring, a suspension~~  
36    ~~for that fiscal year of the transfer of revenues pursuant to~~  
37    ~~subdivision (a), provided that the bill does not contain any other~~  
38    ~~unrelated provision.~~

39    ~~(e) The Legislature may enact a statute that modifies the~~  
40    ~~percentage shares set forth in subdivision (c) by a bill passed in~~

~~each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision and that the moneys described in subdivision (a) are expended solely for the purposes set forth in paragraph (2) of subdivision (b).~~

*That Section 1 of Article XIX B thereof is amended to read:*

SECTION 1. (a) For the 2003–04 fiscal year and each fiscal year thereafter, all moneys that are collected during the fiscal year from taxes under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), or any successor to that law, upon the sale, storage, use, or other consumption in this State of motor vehicle fuel, and that are deposited in the General Fund of the State pursuant to that law, shall be transferred to the Transportation Investment Fund, which is hereby created in the State Treasury.

(b) (1) For the 2003–04 to 2007–08 fiscal years, inclusive, moneys in the Transportation Investment Fund shall be allocated, upon appropriation by the Legislature, in accordance with Section 7104 of the Revenue and Taxation Code as that section read on the operative date of this article *March 6, 2002*.

(2) For the 2008–09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund shall be allocated solely for the following purposes:

(A) Public transit and mass transportation.

(B) Transportation capital improvement projects, subject to the laws governing the State Transportation Improvement Program, or any successor to that program.

(C) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by cities, including a city and county.

(D) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by counties, including a city and county.

(c) For the 2008–09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund shall be allocated, upon appropriation by the Legislature, as follows:

(A) Twenty percent of the moneys for the purposes set forth in subparagraph (A) of paragraph (2) of subdivision (b).

(B) Forty percent of the moneys for the purposes set forth in subparagraph (B) of paragraph (2) of subdivision (b).

1 (C) Twenty percent of the moneys for the purposes set forth in  
2 subparagraph (C) of paragraph (2) of subdivision (b).

3 (D) Twenty percent of the moneys for the ~~purpose~~ *purposes*  
4 set forth in subparagraph (D) of paragraph (2) of subdivision (b).

5 (d) ~~The (1) Except as otherwise provided by paragraph (2),~~  
6 ~~the~~ transfer of revenues from the General Fund of the State to the  
7 Transportation Investment Fund pursuant to subdivision (a) may  
8 be suspended, in whole or in part, for a fiscal year if ~~both~~ *all* of  
9 the following conditions are met:

10 ~~(1)~~

11 (A) The Governor ~~has issued~~ *issues* a proclamation that  
12 declares that, *due to a severe state fiscal hardship, the suspension*  
13 *of the transfer of revenues pursuant to required by subdivision (a)*  
14 *will result in a significant negative fiscal impact on the range of*  
15 *functions of government funded by the General Fund of the State*  
16 *is necessary.*

17 ~~(2)~~

18 (B) The Legislature enacts by statute, pursuant to a bill passed  
19 in each house of the Legislature by rollcall vote entered in the  
20 journal, two-thirds of the membership concurring, a suspension  
21 for that fiscal year of the transfer of revenues ~~pursuant to~~  
22 *required by subdivision (a), provided that* and the bill does not  
23 contain any other unrelated provision.

24 (C) *No later than the effective date of the statute described in*  
25 *subparagraph (B), a separate statute is enacted that provides for*  
26 *the full repayment to the Transportation Investment Fund of the*  
27 *total amount of revenue that was not transferred to that fund as a*  
28 *result of the suspension, including interest as provided by law.*  
29 *This full repayment shall be made not later than the end of the*  
30 *third fiscal year immediately following the fiscal year to which*  
31 *the suspension applies.*

32 (2) (A) *The transfer required by subdivision (a) shall not be*  
33 *suspended for more than two fiscal years during any period of 10*  
34 *consecutive fiscal years, which period begins with the first fiscal*  
35 *year commencing on or after July 1, 2007, for which the transfer*  
36 *required by subdivision (a) is suspended.*

37 (B) *The transfer required by subdivision (a) shall not be*  
38 *suspended during any fiscal year if a full repayment required by*  
39 *a statute enacted in accordance with subparagraph (C) of*  
40 *paragraph (1) has not yet been completed.*

1 (e) The Legislature may enact a statute that modifies the  
2 percentage shares set forth in subdivision (c) by a bill passed in  
3 each house of the Legislature by rollcall vote entered in the  
4 journal, two-thirds of the membership concurring, provided that  
5 the bill does not contain any other unrelated provision and that  
6 the moneys described in subdivision (a) are expended solely for  
7 the purposes set forth in paragraph (2) of subdivision (b).

8 (f) (1) *An amount equivalent to the total amount of revenues*  
9 *that were not transferred from the General Fund of the State to*  
10 *the Transportation Investment Fund, as of July 1, 2007, because*  
11 *of a suspension of transfer of revenues pursuant to this section as*  
12 *it read on January 1, 2006, but excluding the amount to be paid*  
13 *to the Transportation Deferred Investment Fund pursuant to*  
14 *Section 63048.65 of the Government Code, shall be transferred*  
15 *from the General Fund to the Transportation Investment Fund no*  
16 *later than June 30, 2016. Until this total amount has been*  
17 *transferred, the amount of transfer payments to be made in each*  
18 *fiscal year shall not be less than one-tenth of the total amount*  
19 *required to be transferred by June 30, 2016. The transferred*  
20 *revenues shall be allocated solely for the purposes set forth in*  
21 *this section as if they had been received in the absence of a*  
22 *suspension of transfer of revenues.*

23 (2) *The Legislature may provide by statute for the issuance of*  
24 *bonds by the state or local agencies, as applicable, that are*  
25 *secured by the minimum transfer payments required by*  
26 *paragraph (1). Proceeds from the sale of those bonds shall be*  
27 *allocated solely for the purposes set forth in this section as if they*  
28 *were revenues subject to allocation pursuant to paragraph (2) of*  
29 *subdivision (b).*